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City of Santa Rosa

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMAN D. PATEL, individually and as
trustee of the Raman D. And Jashu R. Patel
Family Trust, Raman D. And Jashu R. Patel
Residual Trust and Raman D. And Jashu R.
Patel Survivor's Trust, and as General Partner
of the JAS 4 RAY PROPERTIES, L.P.; RITA
PATEL; DAVID STAFFORD, individually
and as guardian of BRIJESH R. DAJI; PRITA
PATEL; BRIAN BALES,

Plaintiffs,

v.

CITY OF SANTA ROSA, CITY OF SANTA
ROSA POLICE DEPARTMENT; MAYOR
JANE BENDER, sued individually and in her
official capacity; COUNCILMEMBER JANET
CONDON, sued individually and in her
official capacity; DETECTIVE THOMAS
PEIRSOL, sued individually and in his official
capacity; DETECTIVE STEVE FRAGA, sued
individually and in his official capacity; CITY
OF SANTA ROSA POLICE OFFICER GREG
YAAGER; CITY OF SANTA ROSA POLICE
OFFICER PAUL HENRY; CITY OF SANTA
ROSA POLICE OFFICER ERIC
GOLDSCHLAG; CITY OF SANTA ROSA
POLICE OFFICER DAVID P. GORMAN;
CITY OF SANTA ROSA POLICE OFFICER
DAVID MARCONI; CITY OF SANTA ROSA
POLICE OFFICER MICHAEL S. TOSTI;
CITY OF SANTA ROSA POLICE OFFICER
DAVID LINSOMB; CITY OF SANTA
ROSA POLICE OFFICER DAVID JONES;
CITY OF SANTA ROSA POLICE OFFICER

Case No. C 06 3267 MMC

~~PROPOSED~~ ORDER

Date: July 14, 2006
Time: 9:00 a.m.
Place: Courtroom 7
450 Golden Gate Avenue
19th Floor
San Francisco, CA 94102
Judge: Honorable Maxine M.
Chesney

1 MICHAEL CHAD HEISER; SANTA ROSA
2 POLICE OFFICER CHRISTOPHER
3 PARMAN; CITY OF SANTA ROSA POLICE
4 OFFICER MARCUS R. SPRAGUE; CITY OF
5 SANTA ROSA POLICE OFFICER DAVID
6 ALBRITTON; CITY OF SANTA ROSA
7 POLICE OFFICER MATTHEW TOMLIN;
8 CITY OF SANTA ROSA POLICE OFFICER
9 NOAH CADE; CITY OF SANTA ROSA
10 POLICE OFFICER KOHUT sued as DOE 1
11 individually and in his official capacity; CITY
12 OF SANTA ROSA POLICE OFFICER GARY
13 NEGRI, sued as DOE 2 individually and in his
14 official capacity; CITY OF SANTA ROSA
15 POLICE OFFICER BARR, sued as DOE 3
16 individually and in his official capacity; DOES
17 4 THROUGH 10, INCLUSIVE,

18 Defendants.

19 _____ /
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22 Based upon the ^{unopposed motion of the City} ~~written submissions of the parties~~ and good cause appearing, the Court
23 hereby GRANTS the City of Santa Rosa's Motion to Dismiss the plaintiffs' Fifth Claim for
24 Relief under F.R.C.P. 12(b)(6). The plaintiffs have failed to plead sufficient facts for a RICO
25 violation under 18 U.S.C. § 1962 and § 1964(c), nor have they pled the requisite elements for a
26 violation of 18 U.S.C. § 1962(a)-(d).

27 The Fifth Claim for Relief is dismissed with prejudice.

28 IT IS SO ORDERED.

Dated: July 7, 2006


UNITED STATES DISTRICT JUDGE